

STR ORDINANCE REVISIONS

BOARD OF COMMISSIONERS

JANUARY 26, 2022

BACKGROUND

- **Ordinance 18-01:** adopted to address life/safety issues
- Regulates STRs in unincorporated Clatsop County outside of Arch Cape
- Prior to adoption, STRs outside of Arch Cape paid transient room tax, but had no operating standards
- Following the adoption of Ordinance 18-01, Code Compliance staff began receiving a number of complaints, often associated with renter behavior at STRs
- Some complaints were within Code Compliance jurisdiction, some were regulated by state agencies or local law enforcement, and some complaints could not be verified
- Staff began conducting quarterly STR meetings in July 2020 to allow residents and STR owners to discuss issues and to provide clarification regarding the code compliance process
- Following two work sessions with Board in 2021, the Board directed staff to move forward with a temporary moratorium on new STR licenses

BACKGROUND

	2021							2022			
	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
DLCD 45-Day Notice for Moratorium (must be sent to DLCD at least 45 days prior to final public hearing)	✓	✓									
Prepare Draft Moratorium Ordinance	✓	✓									
BOC Work Session / Town Hall – Moratorium Ordinance		✓									
14-Day Public Comment Period – Moratorium Ordinance		✓									
1 st Public Hearing – Moratorium Ordinance (August 11)			✓								
2 nd Public Hearing – Moratorium Ordinance (August 25)			✓								
Moratorium in Effect for Initial 120-day period, with possible extension				✓	✓	✓	✓	✓			
Prepare Draft #1 - Combined Ordinance and Revisions	✓	✓	✓								
BOC Work Session / Town Hall – Draft #1			✓								
14-Day Written Public Comment Period – Draft #1			✓								
Prepare Draft #2 – Combined Ordinance and Revisions					✓						
BOC Work Session / Town Hall – Draft #2						✓					
14-Day Written Public Comment Period – Draft #2						✓					
Prepare Draft #3 – Combined Ordinance and Revisions							✓				
BOC Work Session / Town Hall – Draft #3 – JANUARY 26, 2022								✓			
14-Day Written Public Comment Period – Draft #3								✓			
1 st Public Hearing – Combined Ordinance (February 9, 2022)											
2 nd Public Hearing – Moratorium Ordinance (February 23, 2022)											

Board of Commissioner Work Sessions:

- February 24, 2021
- April 20, 2021
- June 1, 2021

Board of Commissioner Meetings:

- August 25, 2021
Board adopts moratorium, effective September 1, 2021
- December 8, 2021
Board extends moratorium through April 28, 2022

Public Town Hall Meetings

- July 9, 2021
- July 16, 2021
- September 24, 2021
- November, 2021
- January 22, 2022

LICENSING vs. ZONING

LICENSING

- Addressed in Section 5.12 of the Clatsop County Code (CCC)
- Provides standards to “enhance public safety and livability”
- HOW an STR is operated, not where
- Includes provisions regulating:
 - Parking
 - Occupancy
 - Trash
 - Noise
 - Permit transferability
 - Other areas of operation

ZONING

- Addressed in the *Land and Water Development and Use Code (LAWDUC)*
- Establishes level of approval needed:
 - **Type I:** Over the counter
 - **Type II:** Public notice, no public hearing
 - **Type IIA:** Public notice, published notice; property posted; public hearing
- WHERE an STR is operated, not how
- Currently, LAWDUC only specifically calls out STRs as a permitted use in the Arch Cape Rural Community Residential Zone (AC-RCR)
- LAWDUC was not updated to include STRs in other zoning districts when Ordinance 18-01 was originally adopted

LICENSING

- STR Town Hall meetings primarily focused on operating standards
- Draft recommendations are provided in **Attachment A (Agenda Page 8)**
- Recommended revisions include:
 - **Parking:** Require all STR parking to be provided on-site
 - **“Good Neighbor” Flyer:** Require posting in all STRs. “Good Neighbor” flyer would address quiet hours; parking requirements; speed limits; garbage; pet control and safety; open burning/fires; fireworks; drones; trespassing; and other issues as needed
 - **Permit Transferability:** Prohibit transfer of STR permits
 - **Length of Permit:** Change permit expiration from 5 years to 2 years. Retain current \$550 fee.
 - **Occupancy:** Base occupancy on septic capacity or an average of 2 persons per sleeping area up to a maximum of 14 persons
 - **# Rentals/Month:** Use Ordinance 17-02 language limiting rentals to no more than one rental within a 7-night period
 - **Complaint Process/Violations:** Create a tiered response based upon level of severity. Life/safety violations and complaints would receive top priority and most stringent penalties if it is determined that a violation has occurred.

LICENSING

- More recommended revisions:
 - **Unsubstantiated Complaints:** Add language that would allow the County to fine persons who knowingly file a false complaint
 - **Local Agent / Representative:** Require 20-minute phone/text/email response time and 30-minute physical response time; require outdoor signage with local agent contact information; include language to acknowledge that response times may be affected by events outside the agent's control
 - **Neighborhood Notification:** Retain 300-foot notification requirement
- Following discussion at January 22 Town Hall, some additional adjustments may be made to the standards in Section 5.12, CCC, including:
 - Create tiered response times for local agents, based upon complaint priority
 - Do not add outdoor signage requirements for STRs
 - Revise definition of “sleeping area” to reference Oregon Residential Specialty Code emergency opening requirements
 - Require emergency info regarding power outages and landslides, in addition to tsunamis
- Staff is recommending that these standards apply to all STRs in unincorporated Clatsop County and that the standards established for Arch Cape by Ordinance 17-02 be repealed

ZONING

- Why does zoning even matter?
- Zoning identifies geographic areas where a specific type of use is allowed and establishes the type of procedure used to review and approve an application
- Section 1.1040, LAWDUC, states that “a structure may be used or developed...only as this Ordinance (LAWDUC) permits”
- STRs have been included in the Arch Cape Rural Community Residential zone since 2003 as a permitted use
- When Ordinance 18-01 was drafted and adopted, the zoning code was not amended to include STRs in any additional zoning districts outside of Arch Cape
- To provide maximum clarity, STRs should be addressed in the LAWDUC
- County can determine the type of procedure for approval; procedure can be different in different zones

ZONING

- At January 22 Town Hall, staff presented 6 potential options to address zoning (also included in the Board agenda, **Page 45**)
- Of those options, staff is recommending a slightly modified version of Option #6 (**Page 48**):
 - Amend the LAWDUC to include STRs as a Type I use in all zones where a single-family dwelling is permitted. This means no public notice prior to issuing the permit and no public hearing. **Board could approve different review procedures in different zones.**
 - Repeal Sections 5.4900-5.4970, LAWDUC, which are the Arch Cape STR standards
 - Amend Section 4.0620, LAWDUC, to remove reference to Section 5.4910, which are the Arch Cape STR standards
 - Amend Section 5.12, Clatsop County Code, which contains the operating standards for STRs
 - Require all STRs to operate under the requirements of Section 5.12, Clatsop County Code
 - **NOTE:** STRs cannot be permitted in farm/forest zones because it is not permitted by ORS

ORDINANCE AMENDMENT PROCESS

CLATSOP COUNTY CODE

- Revisions to Section 5.12, Clatsop County Code could be brought to the Board in February
- Requires 2 public hearings to amend (February 9 and 23)

LAWDUC

- Proposed LAWDUC revisions would need to be reviewed by the Planning Commission, which would make a formal recommendation to the Board of Commissioners (March 2022)
- Board can accept, reject or revise the Planning Commission recommendations
- Requires 2 public hearings (April 13 and 27)
- Moratorium expires April 28, 2022

Next Steps:

February 9, 2022 – 6PM

Board of Commissioners Meeting

- 1st Public Hearing

February 23, 2022 – 6PM

Board of Commissioners Meeting

- 2nd Public Hearing

Planning Commission

Based upon Board direction, revisions to the LAWDUC could be scheduled for the March 8, 2022, Planning Commission meeting

Meeting Documents and Info

[Town Hall Meeting #1](#)

[Town Hall Meeting #2](#)

[Town Hall Meeting #3](#)

QUESTIONS?

JANUARY 26, 2022